

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARK IANELLI,	:	
	:	
Plaintiff	:	CIVIL ACTION NO.
v.	:	
	:	19-CV-04964-RAL
SERGEANT MICHAEL HARVEY,	:	
	:	
Defendant.	:	

PLAINTIFF’S BRIEF REGARDING WILLFUL MISCONDUCT

Plaintiff’s position on willful misconduct appearing on the verdict sheet and a jury charge concerning same is that presentation of the issue to the jury may cause confusion, that Plaintiff is unaware if Mr. Harvey has waived any issues with regard to a conflict between himself and the City as it relates to the issue, and that any post-trial hearing regarding willful misconduct would pit the interests of Plaintiff seeking a finding of no willful misconduct (so that indemnity exists) against the City’s interest to not have to indemnify Mr. Harvey. Without knowledge as to the agreements between the City and Mr. Harvey, Plaintiff can only surmise that the City is advocating that willful misconduct remain on the Verdict Sheet so that if the jury determines that Mr. Harvey acted with willful misconduct, that the City will not have to indemnify him.

Date: April 17, 2023

Respectfully submitted,

/s/ Ryan Anderson
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